

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 1:11-CR-142(2)
	§	JUDGE THAD HEARTFIELD
JUAN CARLOS HINOJOSA	§	
a/k/a "Shorty"	§	

ELEMENTS OF THE OFFENSE

You are charged in Count One of the indictment with a violation of 21 U.S.C. § 846 conspiracy to distribute and possess with the intent to distribute five (5) kilograms or more, of a Schedule II controlled substance, namely, cocaine HCL.

The essential elements which must be proven to establish the 21U.S.C. § 846 violation are:

1. That two or more persons, directly or indirectly, reached an agreement to possess with intent to distribute cocaine HCL;
2. That the defendant knew of the unlawful purpose of the agreement;
3. That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose; and
4. That the overall scope of the conspiracy was to distribute cocaine HCL in an amount of five (5) kilograms or more.

Respectfully submitted,
JOHN M. BALES
UNITED STATES ATTORNEY
/s/ John A. Craft
John A. Craft
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was delivered by electronic transmission to attorney for defendant, on this the 2nd day of July 2012.

/s/ John A. Craft
JOHN A. CRAFT